

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)	
)	
United States Steel Company)	FINDING OF VIOLATION
Gary Works)	
One North Broadway)	EPA-5-02-IN-15
Gary, Indiana 46402)	
)	
Proceedings Pursuant to)	
the Clean Air Act,)	
42 U.S.C. §§ 7401 <u>et seq.</u>)	

FINDING OF VIOLATION

The United States Environmental Protection Agency finds that United States Steel Company is violating Section 112 of the Clean Air Act, 42 U.S.C. § 7412. Specifically, United States Steel Company has violated the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Coke Oven Batteries at 40 C.F.R. Part 63, Subpart L as follows:

Regulatory Authority

1. The NESHAP for Coke Oven Batteries, at 40 C.F.R. §§ 63.300 - 63.313, applies to existing coke oven batteries at a coke plant (40 C.F.R. §63.300(a)).
2. The NESHAP, at 40 C.F.R. § 63.309(a)(5)(ii), requires each owner or operator to enter into a contract to provide for the inspections and performance test runs required under 40 C.F.R. § 63.309.
3. The NESHAP, at 40 C.F.R. § 63.309(a), requires performance test runs to be conducted daily, seven (7) days per week for each new and existing coke oven battery.
4. The NESHAP, at 40 C.F.R. § 63.309(a)(1) requires each performance test to be conducted in accordance with the procedures and requirements in Method 303 of Appendix A to 40 C.F.R. Part 63.

5. Section 1.1 of Method 303 of Appendix A to 40 C.F.R Part 63 requires that, for the results of the performance test runs to be indicative of plant performance, the time of day of the performance test runs should vary.

Factual Background

6. United States Steel Company operates four (4) coke oven batteries (Battery Nos. 2, 3, 5, and 7) at its Gary Works Steel Mill located at One North Broadway, Gary, Indiana.
7. Each coke oven battery is subject to the provisions of the NESHAP for Coke Oven Batteries at 40 C.F.R. Part 63, Subpart L (40 C.F.R. §§ 63.300 - 63.313)
8. During the month of March, 2001, 95 percent of the test runs for all coke oven battery lids were performed in the four hour period between 7:00 am and 11:00 am.
9. During the month of March, 2001, 98 percent of the test runs for all coke oven battery offtakes were performed in the four hour period between 7:00 am and 11:00 am.
10. During the month of March, 2001, 91 percent of the test runs for all coke oven battery collecting mains were performed in the four hour period between 7:00 am and 11:00 am.
11. During the month of March, 2001, 92 percent of the test runs for all coke oven battery doors were performed in the four hour period between 7:00 am and 11:00 am.
12. During the month of March, 2001, 97 percent of the test runs for all coke oven battery charging were performed in four hour period between 7:00 am and 11:00 am.
13. During the month of March, 2001, for Battery No. 2, 87 percent of the tests runs for the doors were performed in the two and one-half hour period between 7:00 am and 9:30 am.
14. During the month of March, 2001, for Battery No. 3, 90 percent of the test runs for the doors were performed in the two and one-half hour period between 7:00 am and 9:30 am.
15. During the month of March, 2001, for Battery No. 5, 89 percent of the test runs for the doors were performed in the three hour period between 6:30 am and 9:30 am.

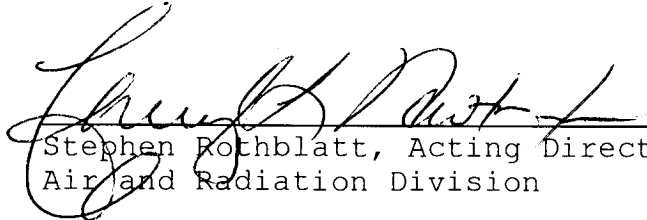
16. During the month of March, 2001, for Battery No. 7, 91 percent of the test runs for the doors were performed in the two and one-half hour period between 6:30 am and 9:00 am.

Violations

17. For the month of March, 2001, the performance test runs, which United States Steel Company is responsible for conducting pursuant to 40 C.F.R. § 63.309, have not been conducted in accordance with Method 303 of Appendix A to 40 C.F.R Part 63 as required. In particular, the time of day of the performance test runs has not been varied, and the test run results are not indicative of plant performance.

Date

7/18/02


Stephen Rothblatt, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Finding of Violation, No. EPA-5-02-IN-15, by Certified Mail, Return Receipt Requested, to:

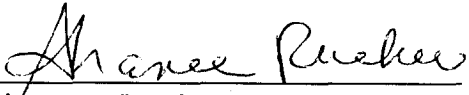
James M. Alexander
Manager Environmental Air Compliance
United States Steel Company
Gary Works
One North Broadway
Gary, Indiana 46402

I also certify that I sent copies of the Finding of Violation by first class mail to:

David McIver, Chief
Office of Enforcement, Air Section
Indiana Department of Environmental Management
100 North Senate Avenue, Room 1001
Indianapolis, Indiana 46206-6015

Robert Simmons
Northwest Regional Office
Indiana Department of Environmental Management
504 Broadway, Suite 418
Gary, Indiana 46402

on the 29th day of July, 2002.


Shanee Rucker, Secretary
AECAS, (MI/WI)
(312) 886-6086

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 000602016679